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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,322	12/05/2003	Subhash Chopra	9637-000077	5054

27572 7590 06/06/2006

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EXAMINER

ROSE, HELENE ROBERTA

ART UNIT PAPER NUMBER

2163

DATE MAILED: 06/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/731,322	Applicant(s) CHOPRA ET AL.	
	Examiner Helene Rose	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 Decemeber 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/31/06</u> | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. In response to preliminary amendment, Claims 1-26 have been amended; Claims 26-47 have been added; No claims were cancelled.
2. Therefore, claims 1-4~~6~~ have been presented for examination.
3. Claims 1-4~~6~~ have been rejected.

Information Disclosure statement

4. The information disclosure statement (IDS) submitted on 2/313/06, the following is being considered by examiner:

(1) "US - Patent No. 6,292,801"; (2) "WO 98/02828"; (3) "WO 00/246161"; (4) "WO 02/059754";
(5) "EP 1 054 529"; (6) "EP 1143692";

However, the US Publication No. 2002/138427; has not been considered by the Examiner. The Examiner believes the following "US Publication No. 2002/138427", has been incorrectly cited and believed to be 2003/0138427. If the Examiner is correct in this regards, the appropriate correction is required in order for it to be considered.

Specification

Abstract

5. The abstract of the disclosure is objected to because the following abstract exceeds the maximum character amount of 150 words, wherein the applicant's abstract contains 240 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections – 35 U.S.C – 112

6. Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 30 is rejected under 112, second paragraph, because it includes the following, “(measured and inferred)” within the claim and enclosed within parenthesis, it is unclear to the Examiner if the enclosed limitation is separate limitation of the claim. Therefore, it’s unclear for the examiner to interpret the claim without knowing what the phrase “(measured and inferred)” constitutes. Appropriate correction is required.

Claim Rejections – 35 U.S.C –102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Malik et al (US Publication No. 2003/0065779, Filing Date of Patent: September 20, 2002).

Claims 1 and 31:

Regarding claims 1 and 31, Malik teaches a communications management apparatus comprising a networked (Figures 1 and 2, all features, Malik) computing means on which is provided:

a translation agent with access to usage data of a plurality of communications resources (page 1, section [0007] and [0008], Malik);

a database accessible to the translation agent (page 6, section [0085], Malik) and including data in the system-specific format to assist the translation agent to convert this to the common format (page 14, section [0219], Malik); and

a processing agent (Figure 5B, all features, wherein the calls can be deleted from the log and page 10, section [0141], Malik), wherein

said translation agent is arranged to consolidate the usage data of plurality of communications resources by consulting said database (page 1, section [0007] and [0008], Malik) and converting system-specific data to data having a said common format (page 14, section [0219], Malik); and

said processing agent is arranged to infer a communication event that does not have a recorded duration (see above, wherein this limitation has already been addressed, Malik)

Claims 2 and 26:

Regarding claims 2 and 26, Malik teaches wherein the processing agent is arranged to infer a communication even that does not have a recorded duration with reference to time per byte of data transmitted (page 14, section [0223], Malik).

Claims 3 and 27:

Regarding claims 3 and 27, Malik teaches wherein the costs for communication events that do not have a recorded duration are inferred with reference to a defined time for any data transmission (Figure 12, diagram 272 and page 16, section [0237], wherein time duration is not recorded in email logs, Malik).

Claims 4 and 28:

Regarding claims 4 and 28, Malik teaches wherein the costs for communication event that do not have a recorded duration are inferred with reference to a defined time per byte of data transmitted up to a defined maximum (Figure 5B, diagram 159, wherein it only shows today's outbound and inbound calls, Malik).

Claims 5 and 29:

Regarding claims 5 and 29, Malik teaches wherein the processing agent retains staff cost for conversion of duration measurements and inferences into staff costs (Figure 5, all features, wherein costed data is defined).

Claim 6:

Regarding claim 6, Malik teaches wherein processing agent includes a plurality of staff cost data for a plurality of staff grades (Figure 5B, diagram 159, wherein the length of the call is defined, Malik).

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Claim 7:

Regarding claim 7, Malik teaches wherein the processing agent includes a plurality of staff cost data for a plurality of dates (Figure 5B, diagram 159, wherein the time and date along with the length of call is defined, Malik).

Claim 8:

Regarding claim 8, Malik teaches wherein processing agent includes a plurality of staff cost data for times of the day (Figure 5B, diagram 159, wherein the date, month and year and time of day is defined for each call, Malik)

Claim 9:

Regarding claim 9, Malik teaches wherein the processing agent includes a plurality of staff cost data for days of the week (Figure 5B, wherein it identifies a list of calls that was made, along with date, time, month, length, Malik).

Claim 10:

Regarding claim 10, Malik teaches wherein the processing agent retains transmission cost data for conversions of duration into transmission cost (page 11, section [0156], Malik).

Claims 11 and 18:

Regarding claims 11 and 18, Malik teaches wherein the processing agent retains transmission cost data for conversion of size measurements into transmission cost (Figure 5, diagrams 134, 138, 140 are interpreted to be the size measurements, Malik).

Claims 12 and 20:

Regarding claims 12 and 20, Malik teaches wherein the processing agent includes a plurality of transmission cost data for a plurality of different destinations (page 12, section [0162] and (page 17, section [0250], Malik).

Claim 13:

Regarding claim 13, Malik teaches wherein the processing agent includes a plurality of transmission cost data for plurality of different media (page 9, section [0130], Malik).

Claims 14 and 21:

Regarding claims 14 and 21, Malik teaches wherein the processing agent includes a plurality of transmission cost data for a plurality of different routes (page 12, section [0164] and page 6, section [0098], Malik).

Claims 15 and 22:

Regarding claims 15 and 22, Malik teaches wherein the processing agent includes a plurality of transmission cost data for a plurality of different dates (page 20, section [0273], and page 14, sections [0187], [0193], [0198], [0206], [0216], date for each type of communication Malik).

Claim 16:

Regarding claim 16, Malik teaches wherein the processing agent includes a plurality of transmission cost data for a plurality of different times of the day and days of the week (page 7, section [0112], Malik)

Claim 17:

Regarding claim 17, Malik teaches wherein the processing agent retains infrastructure cost data for conversion of duration into infrastructure cost (Figure 5A, diagram 136, Malik).

Claim 19:

Regarding claim 19, Malik teaches wherein the processing agent includes a plurality of transmission infrastructure cost data for a plurality of different types infrastructure types (Figure 5, all features, wherein the conversion of voicemail, fax, e-mail is defined according to its appropriate sizes, see diagrams 134, 136, 138, 140 and 142, Malik).

Claim 23:

Regarding claim 23, Malik teaches wherein the processing agent includes a plurality of infrastructure cost data for a plurality of different times of the day (page 14, section [0188], [0194], [0199], [0207], [0216], time for each type of communication, Malik).

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Claim 24:

Regarding claim 24, Malik teaches wherein the processing agent includes a plurality of infrastructure cost data for different days of the week (Figure 16, wherein Bellsouth is indicated in left corner, wherein Monday is defined and indicating a new message, Malik).

Claims 25 and 39:

Regarding claims 25 and 39, Malik teaches a method of managing communications by determining costs associated with the use of communications resources, comprising the step of:

accessing usage data from a plurality of communications resources (REFER to claims 1 and 31m wherein this limitation has already been addressed, Malik);

consolidating said usage data from system-specific formats to a common format (REFER to claims 1 and 31 wherein this limitation has already been addressed, Malik);

inferring costs for communication events that do not have a recorded duration (REFER to claims 1 and 31, wherein this limitation has already been addressed, Malik).

Claim 30:

Regarding claim 30, Malik teaches wherein the transmission cost data is retained for the conversion of duration into transmission costs (Figure 5B, diagram 159, Malik).

Claims 32 and 40:

Regarding claims 32 and 40, Malik teaches wherein the processing agent causes a message to be sent where such an unknown address is detected a number of times above a pre-set threshold (page 17, section [0253], Malik)

Claims 33 and 41:

Regarding claims 33 and 41, Malik teaches wherein said threshold is defined as a pre-set number of occurrences within a pre-set time interval (Figure 15, diagram 310, wherein 5 miles is equivalent to a pre-set time, wherein two listing are found, Malik)

Claims 34 and 42:

Regarding claims 34 and 42, Malik teaches wherein said message is sent to an address local to networked computing means and associated with the communications event in which the unknown address was detected (page 15, section [0229], Malik).

Claims 35 and 43:

Regarding claims 35 and 43, Malik teaches wherein said local address is one included in the communications event (page 7, section [0109], Malik).

Claims 36 and 44:

Regarding claims 36 and 43, Malik teaches wherein said local address one correlated with the local address included in the communications event but associated with different communications channel (Figure 3, all features, wherein diagram 50 is connected to diagram 102 and 104, wherein diagram may include modem 108 or other device channel communications over diagram 104, see page 7, section [0109], for more clarity, Mailk).

Claims 37 and 45:

Regarding claims 37 and 45, Malik teaches wherein said message is sent via email (Figure 8, diagram 218, Malik).

Claims 38 and 46:

Regarding claims 38 and 46, Malik teaches wherein said email message includes a link to a web page adapted to accept identifying information for the unknown address and to update the database accordingly (page 15, section [0229] and page 7, section 0113, wherein update is defined, Malik).

Prior Art of Record

1. Malik et al

US PG Publication No. 2003/0065779

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Rose whose telephone number is (571) 272-0749. The examiner can normally be reached on 8:00am - 4:30pm Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helene Rose
Technology Center 2100
May 30, 2006



**ALFORD KINDRED
PRIMARY EXAMINER**